

REMARKS

Claims 1-28 and 46-49 remain in the application and claims 1, 2, 18, 19, 46 and 47 have been amended hereby. New claims 50 and 51 have been added.

Reconsideration is respectfully requested of the rejection of claims 1-28 and 46-49 under 35 USC 102(e), as being anticipated by Hendricks et al.

Features of the data sending receiving apparatus according to the present invention are a sending receiving unit for sending/receiving contents upon sending/receiving a request information from a user. The request information from the user includes payment information for a content and the sending receiving unit sends/receives low-quality data when the user is not willing to make the payment and, otherwise, high-quality data. See steps 1-6 in the flowchart of Fig. 5 and Fig. 6 of the present application, for example.

Independent claims 1, 18, and 46 have been amended to recite these features of the present invention.

Looking at Hendricks et al. we see that there is no sending receiving unit for sending/receiving a content in a low-quality format when the user is not willing to make a payment. Hendricks et al. is merely enabling a user to select from a plurality of programs from a menu including buying songs, as shown in Fig. 22 of Hendricks et al.

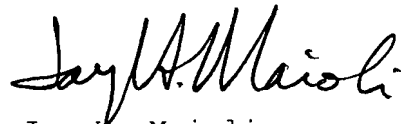
Accordingly, it is respectfully submitted that amended independent claims 1, 18, and 46, and the claims depending therefrom, are not anticipated by Hendricks et al.

The prior art made of record and not relied upon has been reviewed and is not seen to show or suggest the present invention as recited in the amended claims.

Favorable reconsideration is earnestly solicited.

Respectfully submitted,

COOPER & DUNHAM LLP

A handwritten signature in black ink, appearing to read "Jay H. Maioli". The signature is fluid and cursive, with the first letters of the first and last names being capitalized and prominent.

Jay H. Maioli  
Reg. No. 27, 213

JHM/PCF:tb